

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant,

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Chapter 7 Estate  
of Bernard L. Madoff,

Plaintiff,

v.

BANQUE INTERNATIONALE À LUXEMBOURG  
S.A. (f/k/a Dexia Banque Internationale à  
Luxembourg S.A.); RBC INVESTOR SERVICES  
BANK S.A. (f/k/a RBC Dexia Investor Services Bank  
S.A.); RBC INVESTOR SERVICES TRUST (f/k/a  
RBC Dexia Investor Services Trust); BANCO  
INVERDIS, S.A., as successor in interest to RBC  
Dexia Investor Services España S.A.; and BANQUE  
INTERNATIONALE À LUXEMBOURG (SUISSE)  
S.A. (f/k/a Dexia Private Bank (Switzerland) Ltd.),

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation  
(Substantively Consolidated)

Adv. Pro. No. 12-01698 (CGM)

**ORDER DENYING DEXIA DEFENDANTS' MOTION TO DISMISS**

Defendants Banque Internationale à Luxembourg S.A. (f/k/a Dexia Banque Internationale à Luxembourg S.A.) and Banque Internationale à Luxembourg (Suisse) S.A. (f/k/a Dexia Private Bank (Switzerland) Ltd.) (collectively, the “Dexia Defendants”) filed a motion to dismiss the Amended Complaint under Federal Rule of Civil Procedure 12(b)(2) (the “Motion”) on

September 2, 2022 (ECF No. 141). The parties stipulated to rest on their papers and waive oral argument on the Motion on January 9, 2023 (ECF No. 163). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Amended Complaint. The Court entered a memorandum decision, dated March 14, 2023, regarding the Motion (the “Decision”) (ECF No. 174). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Amended Complaint is denied.
2. The deadline for the Dexia Defendants to file an answer to the Complaint is May 1, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: March 20, 2023**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**